



**6712-01**

## **FEDERAL COMMUNICATIONS COMMISSION**

### **Information Collections Being Reviewed by the Federal Communications Commission Under Delegated Authority**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Communications Commission (FCC), as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act (PRA) of 1995. Comments are requested concerning whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

**DATES:** Written PRA comments should be submitted on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to the Federal Communications Commission via email to [PRA@fcc.gov](mailto:PRA@fcc.gov) and [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

**SUPPLEMENTARY INFORMATION:**

**OMB Control Number:** 3060-0175.

**Title:** Section 73.1250, Broadcasting Emergency Information.

**Form Number:** N/A.

**Type of Review:** Extension of a currently approved collection

**Respondents:** Business or other for-profit entities.

**Number of Respondents and Responses:** 50 respondents; 50 responses.

**Estimated Time per Response:** 1 hour.

**Frequency of Response:** On occasion reporting requirement.

**Total Annual Burden:** 50 hours.

**Total Annual Cost:** None.

**Obligation to Respond:** Required to obtain or retain benefits. The statutory authority for this collection is contained in Section 154(i) of the Communications Act of 1934, as amended.

**Nature and Extent of Confidentiality:** There is no need for confidentiality with this collection of information.

**Privacy Impact Assessment(s):** No impact(s).

**Needs and Uses:** 47 CFR 73.1250(e) states immediately upon cessation of an emergency during which broadcast facilities were used for the transmission of point-to-point messages under paragraph (b) of this section, or when daytime facilities were used during nighttime hours by an AM station in accordance with paragraph (f) of this section, a report in letter form shall be forwarded to the FCC in Washington, DC, setting forth the nature of the emergency, the dates and hours of the broadcasting of emergency information, and a brief description of the material carried during the emergency. A certification of compliance with the non-commercialization provision of paragraph (f) of this section must accompany the report where daytime facilities are used during nighttime hours by an AM station, together with a detailed showing, under the provisions of that paragraph, that no other broadcast service existed or was adequate.

The Commission adopted on September 9, 2004, the *Report and Order (R&O)*, In the Matter of Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules

for Digital Class A Television Stations, MB Docket No. 03-185, FCC 04-220. The following rule sections which contain information requirements were adopted:

47 CFR Section 74.703(f) states that a licensee of a digital low power TV (LPTV) or TV translator station operating on a channel from 52-69 is required to eliminate at its expense any condition of interference caused to the operation of or services provided by existing and future commercial or public safety wireless licensees in the 700 MHz bands. The offending digital LPTV or translator station must cease operations immediately upon notification by any primary wireless licensee, once it has been established that the digital low power TV or translator station is causing the interference.

47 CFR Section 74.703(g) states that an existing or future wireless licensee in the 700 MHz bands may notify (certified mail, return receipt requested), a digital low power TV or TV translator operating on the same channel or first adjacent channel of its intention to initiate or change wireless operations and the likelihood of interference from the low power TV or translator station within its licensed geographic service area. The notice should describe the facilities, associated service area and operations of the wireless licensee with sufficient detail to permit an evaluation of the likelihood of interference. Upon receipt of such notice, the digital LPTV or TV translator licensee must cease operation within 120 days unless: (1) It obtains the agreement of the wireless licensee to continue operations; (2) the commencement or modification of wireless service is delayed beyond that period (in which case the period will be extended); or (3) the Commission stays the effect of the interference notification, upon request.

47 CFR 74.703(h) requires in each instance where suspension of operation is required, the licensee shall submit a full report to the FCC in Washington, DC, after operation is resumed, containing details of the nature of the interference, the source of the interfering signals, and the remedial steps taken to eliminate the interference.

**OMB Control Number:** 3060-0236.

**Title:** Sections 74.703, Interference.

**Form Number:** Not applicable.

**Type of Review:** Extension of a currently approved collection.

**Respondents:** Business or other for-profit entities; Not for profit institutions; State, local or Tribal Government.

**Number of Respondents and Responses:** 50 respondents; 150 responses.

**Estimated Time per Response:** 2 hours.

**Frequency of Response:** On occasion reporting requirement; Third party disclosure requirement.

**Obligation to Respond:** Required to obligation or retain benefits. The statutory authority for this collection is contained in Section 154(i) of the Communications Act of 1934, as amended.

**Total Annual Burden:** 300 hours.

**Total Annual Cost:** \$300,000.

**Privacy Act Impact Assessment:** No impact(s).

**Nature and Extent of Confidentiality:** There is no need for confidentiality with this collection of information.

**Needs and Uses:** The Commission adopted on September 9, 2004, the *Report and Order (R&O)*, In the Matter of Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations, MB Docket No. 03-185, FCC 04-220. The following rule sections which contain information requirements were adopted:

47 CFR 74.703(f) states that a licensee of a digital low power TV (LPTV) or TV translator station operating on a channel from 52-69 is required to eliminate at its expense any condition of interference caused to the operation of or services provided by existing and future commercial or public safety wireless licensees in the 700 MHz bands. The offending digital LPTV or translator station must cease operations immediately upon notification by any primary wireless licensee, once it has been established that the digital low power TV or translator station is causing the interference.

47 CFR 74.703(g) states that an existing or future wireless licensee in the 700 MHz bands may notify (certified mail, return receipt requested), a digital low power TV or TV translator operating on the same channel or first adjacent channel of its intention to initiate or change wireless operations and the likelihood of interference from the low power TV or translator station within its licensed geographic service area. The notice should describe the facilities, associated service area and operations of the wireless licensee with sufficient detail to permit an evaluation of the likelihood of interference. Upon receipt of such notice, the digital LPTV or TV translator licensee must cease operation within 120 days unless: (1) It obtains the agreement of the wireless licensee to continue operations; (2) the commencement or modification of wireless service is delayed beyond that period (in which case the period will be extended); or (3) the Commission stays the effect of the interference notification, upon request.

47 CFR 74.703(h) requires in each instance where suspension of operation is required, the licensee shall submit a full report to the FCC in Washington, DC, after operation is resumed, containing details of the nature of the interference, the source of the interfering signals, and the remedial steps taken to eliminate the interference.

**OMB Control Number:** 3060-0707.

**Title:** Over-the-Air Reception Devices (OTARD).

**Type of Review:** Extension of a currently approved collection.

**Respondents:** State or Local, or Tribal Government.

**Number of Respondents and Responses:** 77 respondents; 77 responses.

**Estimated Time per Response:** 2 - 6 hours.

**Frequency of Response:** On occasion reporting; Third party disclosure.

**Obligation to Respond:** Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Section 207 of the Communications Act of 1934, as amended.

**Total Annual Burden:** 288 hours.

**Total Annual Cost:** 17,100.

**Privacy Act Impact Assessment:** No impact.

**Nature and Extent of Confidentiality:** There is no need for confidentiality with this collection of information.

**Needs and Uses:** Section 207 of the Telecommunications Act of 1996 ("1996 Act") directs the Commission to promulgate rules prohibiting restrictions on viewers' ability to receive over-the-air signals by television broadcast, multichannel multipoint distribution, or direct broadcast satellite services.

*In a Report and Order, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, CS Docket No. 96-83, FCC 96-328, released August 6, 1996, the Commission fully



implemented Section 207 of the 1996 Act by adopting final rules for a preemption of state, local and non-governmental regulations that impair viewers ability to receive over-the-air signals. In doing so, the FCC acknowledged the necessity of allowing state, local and non-governmental entities to continue to enforce certain regulations and restrictions, such as those serving safety purposes, and therefore exempted them from its prohibition. Also, state, local and non-governmental entities were permitted to file petitions for waivers.

On September 25, 1998, the Commission released an *Order on Reconsideration*, FCC 98-214, in this proceeding that further modified and clarified Section 207 rules. Among other things, the *Order on Reconsideration* clarified how declaratory rulings and waivers in this matter are to be served on all interested parties. If a local government seeks a declaratory ruling or a waiver, it must take steps to afford reasonable, constructive notice to residents in its jurisdiction (e.g., by placing notices in a local newspaper of general circulation). Certificates of service and proof of constructive notice also must be provided to the Commission with the petition. In this regard, the petitioner should provide the Commission with a copy of the notice and an explanation of where the notice was placed and how many people the notice might reasonably have reached.

Effective January 22, 1999, FCC 98-273, the Commission amended the rules so that it applies to rental property where the renter has an exclusive use area, such as a balcony or patio.

In FCC 00-366, the Commission then further amended the rule so that it applies to customer-end antennas that receive and transmit fixed wireless signals. This amendment became effective on May 25, 2001.

**OMB Control Number:** 3060-1105.

**Title:** Digital TV Transition Status Report, FCC Form 387.

**Form Number:** FCC Form 387.

**Type of Review:** Extension of a currently approved collection.

**Respondents:** Business or other for-profit entities; Not-for-profit institutions.

**Number of Respondents and Responses:** 20 respondents and 20 responses.

**Estimated Time per Response:** 2 hours.

**Frequency of Response:** One-time reporting requirement.

**Total Annual Burden:** 40 hours.

**Total Annual Cost:** \$22,000.

**Obligation to Respond:** Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 1, 4(i) and (j), 7, 301, 302, 303, 307, 308, 309, 312, 316, 318, 319, 324, 325, 336, and 337 of the Communications Act of 1934, 47 U.S.C. 151, 154(i) and (j), 157, 301, 302a, 303, 307, 308, 309, 312, 316, 318, 319, 324, 325, 336, and 337.

**Nature and Extent of Confidentiality:** Confidentiality is not required for this collection of information.

**Privacy Impact Assessment:** No impact(s).

**Needs and Uses:** FCC Form 387 is used by licensees and permittees of full-power television stations to detail their digital television (DTV) transition status and to report the completion of their transition-specifically, that they have begun operating their full facility as authorized by the post-transition DTV Table Appendix B. The DTV transition deadline passed on June 12, 2009, meaning that full-power television stations may now broadcast only in digital. However, there are still some full-power TV stations that, because of a “tolling” event, have not commenced digital broadcasting (and so are off-the-air) or that are not operating at their full, authorized digital facility. Therefore, such stations are required to file the FCC Form 387 if and when they commence full, authorized digital operations.

Federal Communications Commission.

Marlene H. Dortch,

Secretary,

Office of the Secretary,

Office of Managing Director.

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